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MAR 15 2002

#23

David J. Josephic  
Wood, Herron & Evans, L.L.P.  
2700 Carew Tower  
Cincinnati OH 45202-2917

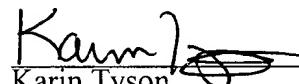
Re: Patent Term Extension  
Application for  
U.S. Patent No. 4,490,351

REEXAM UNIT

Dear Mr. Josephic:

An order granting an interim extension under 35 U.S.C. § 156(e)(2) is enclosed extending the term of U.S. Patent No. 4,490,351 for a period of one-year. While a courtesy copy of this letter is being forwarded to the Food and Drug Administration (FDA), you should directly correspond with the FDA regarding any required changes to the patent expiration dates set forth in the Patent and Exclusivity Data Appendix of the Orange Book (Approved Drug Products with Therapeutic Equivalence Evaluations) or in the Patent Information set forth in the Green Book (FDA Approved Animal Drug Products). The sample format for submitting information regarding the patent and the patent expiration date to the Orange Book is available on the FDA Internet web site at: <http://www.fda.gov/cder/orange/patdecl.pdf>.

Telephone inquiries regarding this communication should be directed to the undersigned at (703)306-3159.

  
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Karin Tyson  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc: David T. Read  
Acting Director Health Assessment Policy Staff, CDER  
Food and Drug Administration  
1451 Rockville Pike, HFD-7  
Rockville, MD 20852

RE: VITREON®  
FDA Docket No.: 98E-0849

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Vitrophage, Inc.  
Request for Patent Term Extension  
U.S. Patent No. 4,490,351

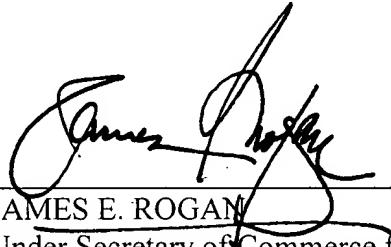
: ORDER GRANTING  
: INTERIM EXTENSION

On November 22, 2000, Vitrophage, Inc., the owner of record of U.S. Patent No. 4,490,351, filed an application under 35 U.S.C. § 156(d)(1) for extension of the term of U.S. Patent No. 4,490,351. An extension of five years is requested. The patent claims a method of use of the approved device, perfluorophenanthrene ("VITREON®"). The application indicates, and the Food and Drug Administration has confirmed, that the product has undergone a regulatory review under Section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 360e) before the first permitted commercial use or sale of the product. The original term of the patent expires on March 15, 2002.

Review of the application indicates that the subject patent is eligible for an extension of the patent term under 35 U.S.C. § 156. Since it is apparent that processing of the application for patent term extension will not be completed before the date of expiration of the patent, interim extension of the patent term under 35 U.S.C. § 156(e)(2) is appropriate.

An interim extension under 35 U.S.C. § 156(e)(2) of the term of U.S. Patent No. 4,490,351 is granted for a period of one year from the original expiration date of the patent, i.e., until March 15, 2003.

MAR - 7 2002  
\_\_\_\_\_  
Date

  
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JAMES E. ROGAN  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office